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9 INDUSTRY CO., LTD. and FOXCONN
ELECTRONICS, INC.
10

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 LOTES CO. LTD., a Taiwan Corporation,
16 Plaintiff and Counterclaim Defendants,
17 v.
18 HON HAI PRECISION INDUSTRY CO.,
LTD., a Taiwan Corporation, and FOXCONN
19 ELECTRONICS, INC., a California
Corporation,
20
21 Defendants and
Counterclaimants.
22

Case No. 3:11-cv-01036-WHA

~~JOINT STIPULATION AND~~
~~PROPOSED~~ ORDER MODIFYING
CLAIM CONSTRUCTION
DISCOVERY AND BRIEFING
SCHEDULE

1 Defendants and Counterclaimants Hon Hai Precision Industry Co. Ltd. and Foxconn
 2 Electronics, Inc. (collectively “Foxconn”) and Plaintiff and Counterclaim Defendant Lotes Co.
 3 Ltd. (“Lotes”) file this joint stipulation respectfully requesting an Order modifying deadlines for
 4 claim construction discovery and claim construction briefing.

5 WHEREAS, pursuant to Patent L.R. 4-4, claim construction discovery, including any
 6 depositions with respect to claim construction of any witnesses, including experts, must currently
 7 be completed by January 23, 2017.

8 WHEREAS, pursuant to Patent L.R. 4-5, the opening claim construction brief is currently
 9 due on February 6, 2017, the responsive claim construction brief is currently due on February 21,
 10 2017, and the reply claim construction brief is currently due on February 28, 2017.

11 WHEREAS, the Parties have agreed to stipulate to request an extension of the claim
 12 construction discovery and claim construction briefing dates to accommodate the schedules of the
 13 Parties’ experts. In particular, Foxconn’s expert, Dr. Michael G. Pecht, is working in Asia
 14 through early February and will not be available for a deposition until February 10, 2017. Lotes’s
 15 expert, Dr. Vijay Gupta, will be available for deposition on February 17, 2017.

16 WHEREAS, the Parties have stipulated that the depositions of Drs. Pecht and Gupta shall
 17 be limited to issues relating to claim construction, and that these depositions shall not preclude
 18 later depositions on these experts’ respective reports, as provided for pursuant to the Case
 19 Management Order. Dkt. 228, ¶ 5.

20 WHEREAS, this brief extension will not impact any other dates on the trial schedule
 21 because there will be no separate claim construction hearing pursuant to the Case Management
 22 Order. Dkt. 228, ¶ 18. The close of non-expert discovery will remain on June 30, 2017. The
 23 deadline to file dispositive motions will remain on July 27, 2017. The start of trial will remain on
 24 November 6, 2017. There have been no previous time modifications in this case.

25 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
 26 the Parties, through their respective attorneys of record, and subject to approval by the Court, the
 27 following schedule:

| Event | Previous Date | New Date |
|---|----------------------------|---------------------------|
| P.L.R. 4-4 Completion of Claim Construction Discovery | Monday, January 23, 2017 | Friday, February 17, 2017 |
| 4-5(a) Opening Claim Construction Brief | Monday, February 6, 2017 | Friday, March 3, 2017 |
| 4-5(b) Responsive Claim Construction Brief | Tuesday, February 21, 2017 | Friday, March 17, 2017 |
| 4-5(c) Reply Claim Construction Brief | Tuesday, February 28, 2017 | Friday, March 24, 2017 |

Dated: January 17, 2017

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Don Daybell

DON DAYBELL

Attorneys for Defendants HON HAI PRECISION
INDUSTRY CO., LTD. and FOXCONN
ELECTRONICS, INC.

Dated: January 17, 2017

SHEPPART, MULLIN, RICHTER & HAMPTON LLP


By: /s/ Darren M. Franklin

DARREN M. FRANKLIN

Attorneys for Plaintiff and Counterclaim Defendant
LOTES CO., LTD.

Filer's Attestation: I, Don Daybell, am the ECF User whose User ID and password are being used to file this Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that I have obtained concurrence in the filing of this document from the above-listed signatories. PURSUANT TO STIPULATION, IT IS SO ORDERED. Counsel shall not use the schedule modifications granted herein as a basis for requesting any continuances of trial dates.

Dated: January 19, 2017.

By: 
The Honorable William Alsup
United States District Judge